

REMARKS

Please reconsider the application in view of the above amendments and the following remarks. Applicant thanks the Examiner for carefully considering this application.

Disposition of Claims

Claims 1-7, 9-20, and 30-31 were pending in this application. New claims 32-35 have been added by way of this reply. Thus, claims 1-7, 9-20, 30-31, and 33-36 are currently pending. Of the pending claims, claims 1 and 12 are independent. The remaining claims depend, directly or indirectly, from claims 1 and 12.

Claim Amendments

Dependent claims 9-11 have been amended to address antecedent basis issues arising from previous amendments made to independent claim 1. Further, new dependent claims 32-35 have been added by this reply. Support for new dependent claims 32-35 may be found, for example, in Figures 1, 4, 9 and the corresponding text of the referenced application. No new matter has been added by any of the aforementioned amendments or new claims.

Claim Objections

Claims 9-11 are objected to under 37 CFR 1.75(c) as being in improper form because they depend on cancelled claim 8. As discussed above, dependent claims 9-11 have been amended to depend from independent claim 1. Accordingly, withdrawal of this objection is respectfully requested.

Rejections under 35 U.S.C. §103

Claims 1-7, 9-10, and 12-19 stand rejected under 35 U.S.C. § 103 as being unpatentable over U.S. Patent No. 6,438,606 (“Ward”) in view of U.S. Patent No. 6,636,498 (“Leung”). To the extent that the rejection applies to the amended claims, the rejection is respectfully traversed.

In particular, amended independent claim 1 recites, *inter alia*, “...a first network, a data acquisition device connected to the first network; a second network, a mobile data acquisition unit consisting of a router and at least one host, wherein the at least one host is configured to communicate with the data acquisition device through the first network, wherein the router is configured to communicate with the at least one host, and wherein the router isolates the at least one host and the data acquisition device from the second network...”

Thus, amended independent claim 1 requires that the mobile data acquisition unit *only includes a single router* and one or more hosts. Specifically, the phrase “consisting of” explicitly limits the mobile data acquisition unit to a single router. *See Abbott Labs. v. Baxter Pharm. Prods., Inc.*, 334 F.3d 1274, 1281 (Fed.Cir.2003) (stating that “although ‘a’ without more generally could mean one or more in an open-ended patent claim, ‘a’ with ‘consisting of’...indicates only one member of a Markush group”); *Norian Corp. v. Stryker Corp.*, 432 F.3d 1356 (Fed. Cir. 2005) (stating that “...this court has interpreted the word ‘a’ in its singular sense when...it has been used in conjunction with the closed transitional phrase ‘consisting of’...[and], [t]hus, the claim language ‘consisting of ... a sodium phosphate,’ on its own, suggests the use of a single sodium phosphate...”); *See* MPEP § 2111.03.

Further, as recited in the claims, the host(s) in the mobile data acquisition unit includes functionality to configure the router to communicate with the second network. Thus, the host(s), which configures the router, is *only* able to communicate with devices on the first network and may *only* communicate with the second network through the single router in the mobile data acquisition device. Accordingly, the host(s) may be connected to *at most one router*, where the router is used to isolate the at least one host and the data acquisition unit from the second network.

Turning to the rejection, “[t]o establish a *prima facie* case of obviousness...the prior art reference (or references when combined) must teach or suggest all the claim limitations.” (See MPEP §2143). The Applicant respectfully asserts that the cited references do not teach or suggest the mobile data acquisition unit as recited in the amended claims.

Specifically, the Examiner admits that Ward fails to explicitly teach or suggest a mobile data acquisition unit consisting of the router and at least one host. (*see* Office Action mailed on November 15, 2006, p. 4). However, the Examiner asserts that Leung supplies that which Ward lacks (*i.e.*, the home agent and mobile router of Leung are equivalent to the host and router, respectively, of the instant application). The Applicant respectfully asserts that the teachings of Leung may not be properly applied to support a rejection of obviousness.

Specifically, Leung teaches methods and apparatuses for providing Mobile IP mobile router functionality through identifying networks associated with the mobile router, which may then be used to update the appropriate tables. (*see e.g.*, Leung, Abstract). However, the portion of Leung on which the Examiner relies (*i.e.*, column 5, l. 62-column 6, l. 30) to teach a mobile data acquisition unit consisting of a router and at least one host clearly discusses the presence of two routers (*i.e.*, “the *Home Agent* and the *Foreign Agent* may be network devices such as routers...”

(column 6, ll. 19-20)). Said another way, Leung actually discloses a system involving multiple routers (*i.e.*, home agent and mobile router). As discussed above, the mobile data acquisition unit may *only include a single router* and at least one host. Thus, the mobile IP router and the home agent of Leung cannot be properly equated to the mobile acquisition device of the referenced application.

In view of the above, Ward and Leung, whether considered separately or in combination, fail to teach or suggest all the limitations of amended independent claims 1 and 12. Pending dependent claims are patentable over Ward and Leung for at least the same reason. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 11 and 20 stand rejected under 35 U.S.C. § 103 as being unpatentable over Ward in view of Leung and further in view of U.S. Patent No. 5,802,278 (“Isfeld”). For the reasons set forth below, the rejection is respectfully traversed.

Claims 11 and 20 depend from independent claim 1 and 12, respectively. As discussed above, neither Ward nor Leung teach or suggest all the limitations of independent claims 1 and 12. Further, Isfeld does not teach or suggest that which Ward and Leung lack. This is evidenced by the fact that Isfeld is only relied upon to teach “configuring the router not to send address of nodes in the first network to other routers” (Office Action mailed November 15, 2006, p. 7).

Thus, Ward, Leung, and Isfeld, whether viewed separately or in combination, fail to teach or suggest all limitations of independent claims 1 and 12. Therefore, independent claims 1 and 12 are patentable over Ward, Leung, and Isfeld. Dependent claims are patentable over Ward, Leung, and Isfeld for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 30-31 stand rejected under 35 U.S.C. § 103 as being unpatentable over Ward in view of Leung and further in view of Applicant Admitted Prior Art (“AAPA”). For the reasons set forth below, the rejection is respectfully traversed.

Claims 30 and 31 depend from independent claim 1 and 12, respectively. As discussed above, neither Ward nor Leung teaches or suggests all the limitations of independent claims 1 and 12. Further, AAPA does not teach or suggest that which Ward and Leung lack. This is evidenced by the fact that AAPA is only relied upon to teach that “the data acquisition device comprises a down-hole transmitter” (Office Action mailed November 15, 2006, p. 8).

Thus, Ward, Leung, and AAPA, whether viewed separately or in combination, fail to teach or suggest all limitations of independent claims 1 and 12. Therefore, independent claims 1 and 12 are patentable over Ward, Leung, and AAPA. Dependent claims 30 and 31 are patentable over Ward, Leung, and AAPA for at least the same reasons as presented above. Accordingly, withdrawal of this rejection is respectfully requested.

New Claims

New claims 32 and 34 depend from claims 1 and 12, respectively. Further, claim 33 depends from claim 32, and claim 35 depends from claim 34. Accordingly, dependent claims 32-35 are patentable over the cited references for at least the same reasons as independent claims 1 and 12.

New claims 32-35 are also patentable over the cited references for at least the following additional reasons. Specifically, new claims 32-35 are directed to embodiments in which a mobile acquisition device utilizes a single router to enable communication between a first network and a

second network over a variety of different connection mediums (*e.g.*, satellite, ISDN, DSL, cable modem, wireless, and dial-up access). (*see e.g.*, Figures 1, 4, 6 and accompanying text).


The cited references fail to teach or suggest configuring a single router to interface with different of types network interface cards. Further, the cited references do not even contemplate selecting one of plurality of network interface cards, where each of the network interface cards is configured to communicate over one of a plurality of connection mediums (satellite, ISDN, DSL, cable modem, wireless, etc.)

Conclusion

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 09244/039001).

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Respectfully submitted,

By 

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